United Nations CRC/C/OPSC/JOR/CO/1

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

1. The Committee considered the initial report of Jordan (CRC/C/OPSC/JOR/1) at its 1878th meeting (see CRC/C/SR.1878), held on 27 May 2013, and adopted at its 1901st meeting, held on 13 June 2013, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPSC/JOR/Q/1/Add.1). The Committee appreciates the constructive dialogue held with the multisectoral State party delegation.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined fourth and fifth periodic reports under the Convention on the Rights of the Child (CRC/C/JOR/CO/4-5) and those on its initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/JOR/CO/1), adopted on 13 June 2014.

II. General observations

Positive aspects

4. The Committee welcomes the adoption of Act No. 9 of 2009 on human trafficking.

5. The Committee further welcomes the progress achieved in the creation of institutions and the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including:

(a) The establishment of national family protection teams;

* Adopted by the Committee at its sixty-sixth session (26 May–13 June 2014).

(b) The National Strategy to Combat Human Trafficking, launched in March 2010;

(c) The creation of anti-trafficking units.

III. Data

Data collection

6. While noting the establishment in April 2012 of a counter-trafficking unit affiliated with the Criminal Investigation Department which has the mandate to record all cases of human trafficking and all relevant data, and the signature of a memorandum of understanding for the training of labour inspectors on methods for gathering data on working children, the Committee is concerned that the State party has not established a data collection system covering all offences under the Optional Protocol.

7. **The Committee recommends that the State party set up a comprehensive and centralized data collection system and analyse the data collected as a basis for assessing the progress achieved and to help design policies and programmes for implementing the Optional Protocol. The data should be disaggregated by age, sex, geographic location, ethnicity and national origin and socioeconomic background, in order to facilitate analysis of the offences covered by the Optional Protocol. Data on the number of prosecutions and convictions, disaggregated by the nature of the offence, should also be collected. The Committee recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and the United Nations Development Programme in that regard.**

IV. General measures of implementation

National plan of action

8. The Committee notes the existence of various national strategies and plans with relevance for the implementation of the Optional Protocol, especially the National Strategy to Combat Human Trafficking. The Committee is nevertheless concerned by the lack of coherence and appropriate coordination between those strategies, which affects the capacity of the State party to tackle all offences under the Optional Protocol.

9. **The Committee recommends that the State party develop a national plan of action aimed at addressing specifically all issues covered by the Optional Protocol, establish clear targets and indicators and provide adequate human and financial resources for its implementation. In doing so, the State party should pay particular attention to the implementation of all provisions of the Optional Protocol, taking into account the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children, held in Stockholm, Yokohama, Japan, and Rio de Janeiro, Brazil, respectively.**

Coordination and evaluation

10. While noting that several ministries share responsibility for the implementation of the Optional Protocol and that the National Council for Family Affairs and the Higher Council for Persons with Disabilities also play a role in that respect, the Committee is concerned about the absence of a mechanism specifically dedicated to coordinating the implementation of the Optional Protocol and its evaluation.

11. **The Committee recommends that the State designate a coordination mechanism capable of providing leadership and effective general oversight for the coordination among the various agencies and ministries working on the development and implementation of child rights policies and monitoring of the implementation of the Optional Protocol.**

Dissemination and awareness-raising

12. The Committee is concerned at the lack of systematic and comprehensive dissemination and awareness-raising activities on the Optional Protocol itself, which contributes to a low level of understanding of the offences it covers among the public, children, and professional groups working with and for children. The Committee is further concerned that the sale of children, child prostitution and child pornography remain largely invisible and are not spoken of, due to the sociocultural sensitivity surrounding those crimes in the State party.

13. **The Committee recommends that the State party strengthen its efforts to make the provisions of the Optional Protocol widely known to the public at large, including to children in a child-friendly manner, their families and communities. The State party should also:**

(a) Develop, in close cooperation with communities, children and child victims, gender-sensitive education programmes on measures, assistance and reporting mechanisms aimed at preventing children from falling victim to the offences in the Optional Protocol;

(b) Systematically incorporate issues related to the Optional Protocol into the curricula of primary and secondary schools;

(c) Disseminate the Optional Protocol among all relevant professional groups, especially members of the police, judges, prosecutors, representatives of the media, social workers and members of the National Council for Family Affairs and the relevant ministries.

Training

14. While appreciating the training activities on human trafficking that were conducted in collaboration with intergovernmental and non-governmental organizations for judges and public prosecutors, and the training for staff working on official borders on how to identify victims of trafficking, the Committee is concerned that the training activities on the Optional Protocol remain largely insufficient and do not reach all professionals working with and for children.

15. **The Committee recommends that the State party develop multidisciplinary training programmes on all areas covered by the Optional Protocol through a participatory process involving communities and other stakeholders. Such training should be provided to all relevant professional groups, institutions and individuals working with and for children. The Committee further recommends that the State party ensure the systematic evaluation of all training programmes on the Optional Protocol, with a view to enhancing their impact and relevance.**

Allocation of resources

16. While noting that grants are allocated on an annual basis from the annual General Budget Act to guarantee the necessary provisions for national plans and strategies relating to children's rights, the Committee regrets the lack of information on clearly identifiable

budget allocations to activities specifically designated for the implementation of the Optional Protocol by line ministries.

17. **The Committee recommends that the State party establish clear budgetary allocations for the implementation of the Optional Protocol, including by earmarking human, technical and financial resources from the regular budget to set up programmes relating to its provisions, in particular for criminal investigations, legal assistance and the physical and psychological recovery of victims.**

V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1 and 2))

Measures adopted to prevent offences prohibited under the Optional Protocol

18. While noting that some measures have been taken in order to prevent offences under the Optional Protocol and, in particular, to prevent children from gaining access to pornography online, the Committee is concerned that targeted preventive measures regarding the sexual exploitation of children, as well as measures to identify and address the root causes and extent of all offences under the Optional Protocol, remain limited. In particular, the Committee is concerned that:

(a) Even though the Ministry of Social Development has established a database of "families at risk" of domestic violence, no definition or list of criteria to identify the category is provided;

(b) Insufficient measures have been taken to combat gender-based discrimination and violence, which constitute major factors in the sale of children, child prostitution and child pornography. In that regard, the Committee expresses serious concern at the extent of discrimination and violence against girls in the State party;

(c) Very few specific activities targeting children in vulnerable situations, such as refugee children who are particularly at risk of sexual exploitation and trafficking, have been conducted over the reporting period.

19. **The Committee recommends that the State party adopt a comprehensive and targeted approach addressing the root causes of offences under the Optional Protocol and focusing on children in the most vulnerable situations. In particular, the Committee urges the State party to:**

(a) Strengthen its poverty reduction strategies and supportive social protection measures for disadvantaged and marginalized families by establishing criteria for the delivery of child-centred early intervention programmes to support parents in better performing their care and protection responsibilities towards children;

(b) Eradicate gender-based discrimination and violence and, in particular, repeal laws still in force that discriminate against women and girls, and criminalize without further delay all forms of domestic violence, including marital rape;

(c) Address the root causes of offences under the Optional Protocol and conduct public awareness programmes, as well as public debates, in order to identify and protect the most vulnerable children, including children living in poverty, migrant and refugee children, and children of unknown parentage, who are at particular risk of being victims of the offences covered by the Optional Protocol, and provide them with the necessary support and assistance;

(d) Promote awareness and understanding of social norms and perceptions regarding child prostitution and child pornography with a view to changing the attitudes and behaviour of those demanding sexual services.

Sale of children

20. The Committee is deeply concerned about the widespread practice of early and forced marriage in the State party, which often amounts to the sale of children. The Committee is also particularly concerned about reports that Iraqi girls as young as 11 years of age are sent to Jordan for so-called *muta'a* marriages, whereby the girl's family receives a payment for the girl while the "husband" can sexually abuse and exploit her, and the marriage is terminated at a pre-determined time. Some of those girls are also reported to have been forced into a trafficking ring by their "husbands".

21. **The Committee strongly urges the State party to adopt firm and immediate measures to ensure the effective enforcement of the legal prohibition of child marriage. The State party should in particular:**

(a) Ensure that all those involved in the sale of girls for the purpose of forced marriage, sexual abuse and exploitation are held accountable and punished with penalties commensurate with the gravity of the crime;

(b) Develop and implement a functioning system with neighbouring countries to prevent girls from being sold for the purpose of early or forced marriage.

Child sex tourism

22. While taking note of the Tourism Act (No. 20 of 1998), the Committee regrets that no specific legislation or actions have been adopted to fully prevent and combat the phenomenon of child sex tourism, which is on the rise in the State party.

23. **The Committee urges the State party to ensure that active measures are taken to effectively prevent and combat child sex tourism. The State party should also conduct advocacy with the tourism industry on the harmful effects of child sex tourism, widely disseminate the Global Code of Ethics for Tourism among travel agents and tourism agencies, and encourage those enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.**

VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3; 4 (2 and 3); 5; 6 and 7)

Existing criminal or penal laws and regulations

24. The Committee notes with concern that, despite the incorporation of some provisions of the Optional Protocol into national laws, such as Act No. 9 of 2009 on human trafficking and Act No. 23 of 1977 on human organ transplants, the domestic legislation of the State party is still not fully in compliance with the Optional Protocol. In particular, the Committee notes with concern that:

(a) The Criminal Code does not contain a clear definition of the offence of child prostitution and does not provide for sanctions commensurate with the gravity of the crime;

(b) Article 310 of the Criminal Code applicable to child prostitution contains derogatory terminology which may be used to excuse the sexual exploitation of girls if they are considered to be of "immoral character";

(c) Article 319 of the Criminal Code, which relates to the sale and distribution of obscene and morally corrupting material, does not refer specifically to the offence of child pornography and does not criminalize the private possession of child pornography;

(d) The legislation of the State party does not address all forms of sale of children contained in articles 2 and 3 of the Optional Protocol, an offence which is similar but not identical to trafficking in persons.

25. **The Committee urges the State party to revise its Criminal Code and bring it into full compliance with articles 2 and 3 of the Optional Protocol. The State party should in particular:**

(a) Include in the Criminal Code the definition of child prostitution contained in article 2 (b) of the Optional Protocol and ensure that adequate penalties for the offence are provided for and imposed;

(b) Remove without delay all derogatory provisions from its Criminal Code and ensure that the law provides sanctions commensurate with the gravity of the offence and includes no excuse for perpetrators;

(c) Amend article 319 of the Criminal Code and ensure that the mere possession of child pornography is criminalized;

(d) Properly define and criminalize all forms of sale of children.

Prosecution

26. The Committee expresses deep concern about the numerous reports of Syrian refugee girls being forced into prostitution.

27. **The Committee urges the State party to take more active measures to rescue girls forced into prostitution in the State party and to bring perpetrators to justice. The Committee urges the State party to provide in its next report under the Convention detailed information on the number of persons arrested, prosecuted, brought to justice and condemned, as well as the sanctions they received.**

Liability of legal persons

28. While noting that the State party recognizes the liability of legal persons under article 11 of the Act No. 9 of 2009 on human trafficking, the Committee is concerned that the liability of legal persons for crimes under the Optional Protocol has not explicitly been reflected in the law.

29. **The Committee recommends that the State party explicitly incorporate into legislation the liability of legal persons who participate in any of the crimes under the Optional Protocol, with the establishment of legal sanctions commensurate with the seriousness of the crime committed.**

Extraterritorial jurisdiction and extradition

30. The Committee expresses concern that the State party's legislation remains unclear concerning the establishment of extraterritorial jurisdiction over all the offences under the Optional Protocol and the possibility of the extradition of persons who commit offences addressed in the Optional Protocol.

31. **The Committee urges the State party to ensure that its domestic legislation enables it to establish and exercise extraterritorial jurisdiction over all crimes covered by the Optional Protocol. The Committee also recommends that in the absence of a bilateral agreement, the State party use article 5 of the Optional Protocol as a legal basis for extradition.**

VII. Protection of the rights of child victims (arts. 8 and 9 (3 and 4))

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

32. The Committee notes as positive the provisions of article 159 of the Code of Criminal Procedure, which provide for the use of modern technology to protect witnesses under the age of 18 years when giving testimony. The Committee, however, is concerned that child victims of offences under the Optional Protocol are not provided with free legal aid or with the support of child psychologists and social workers during the criminal justice process.

33. **In the light of article 9, paragraph 3, of the Optional Protocol, the Committee urges the State party to guarantee full legislative protection for child victims and witnesses of offences prohibited under the Optional Protocol. The Committee particularly urges the State party to ensure that:**

(a) Child victims are treated sensitively throughout the investigation and trial process and that their privacy is protected;

(b) Child victims are provided with free legal aid and with the support of child psychologists and social workers during the criminal justice process;

(c) During the investigation, prosecution and hearings, direct contact between the child and the defendant is avoided and that all human, technical and financial resources are provided to ensure the active use of in camera investigations;

(d) Legal and practical measures are taken to guarantee the protection of child witnesses from retaliation.

Recovery and reintegration of victims

34. While noting the opening in January 2007 of the Dar al-Wifaq al-Usri Family Reconciliation Home and the initiatives taken by non-governmental organizations highlighted in the State party's report, the Committee regrets the lack of information on the measures taken at the State level for social, physical and psychological reintegration assistance and recovery and on measures to facilitate access to relevant information about such services. The Committee is moreover concerned at the inadequate provision of direct shelter services specifically for victims of offences under the Optional Protocol, which leads to child victims being placed in detention facilities.

35. **The Committee recommends that the State party:**

(a) Remove from detention facilities without delay all child victims of offences under the Optional Protocol;

(b) Ensure that child victims of offences under the Optional Protocol are provided with appropriate shelter and assistance for their full social reintegration and physical and psychological recovery;

(c) Seek technical assistance from UNICEF and the International Organization for Migration in the implementation of these recommendations.

VIII. International assistance and cooperation (art. 10)

Multilateral, bilateral and regional agreements

36. In the light of article 10, paragraph 1, of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures for and mechanisms to coordinate the implementation of such arrangements, with a view to improving prevention and the detection, investigation, prosecution and punishment of those responsible for any of the offences covered by the Optional Protocol.

37. The Committee encourages the State party to continue its cooperation with United Nations agencies and programmes, such as UNICEF, as well as with non-governmental organizations, in developing and implementing measures aimed at the effective implementation of the Optional Protocol.

IX. Follow-up and dissemination

38. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the King, relevant government ministries, the Parliament and national and local authorities, as well as the Supreme Court, for appropriate consideration and further action.

39. The Committee recommends that the report and written replies submitted by the State party and the related concluding observations adopted be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

X. Next report

40. In accordance with article 12, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, to be submitted in accordance with article 44 of the Convention.